

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DAVID ROSALES and NOE CAPULIN,  
Plaintiffs,

-v-

447 MARKET, INC. d/b/a JUBILEE  
MARKETPLACE and KIM BOONG  
YUNG,  
Defendants.

18-CV-4798 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

The Court has been notified that the parties have reached a settlement in this Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”) case, and they have submitted two proposed settlements for the Court’s approval. (Dkt. Nos. 26-1, 26-2.) In exchange for a release of their FLSA and NYLL claims against Defendants, Plaintiffs David Rosales and Noe Capulin will receive \$14,221 and \$7,779, respectively. (*See* Dkt. No. 26 at 2.) From each plaintiff’s recovery, \$279 will be deducted for litigation costs, and one-third of each plaintiff’s remainder will be collected in attorney’s fees. (*See id.*)

The Court has reviewed the terms of the proposed settlements and finds that they are fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015).

To that end, the proposed settlements at Docket Numbers 26-1 and 26-2 are approved, and the case is hereby DISMISSED WITH PREJUDICE. The Court shall retain jurisdiction solely to resolve any disputes arising from the settlement agreements and the settlement of this action.

The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: May 6, 2019  
New York, New York



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J. PAUL OETKEN  
United States District Judge